IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 8312 of 2004(M)

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PETITIONER:

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N. SIVANANDAN, MINI SADHANAM,
THAZHATHU MURI, KIZHAKKE KALLADA,
KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

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1. ASSISTANT REGISTRAR CO-OPERATIVE SOCIETIES, KOLLAM.

2. SALE OFFICER, CO-OPERATIVE SOCIETIES, KOLLAM TALUK.

3. KUNDARA RURAL HOUSING CO-OPERATIVE SOCIETY Q 805, KUNDARA, KOLLAM.

4. HARILAL, AMBIKA SADANAM,
MARANAD P.O., KOTTARAKKARA, KOLLAM.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR) FOR R3
SRI.P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE SETTLEMENT DEED NO.2341/98 OF EZHUKONE SUB REGISTRY.

EXT.P2- TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 2ND RESPONDENT

EXT.P3- TRUE COPY OF THE PETITION FILED BEFORE THE 1ST RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

**J.M.JAMES, J.**

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W.P.(C). 8312/2004

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Dated this the 19th day of January, 2007

**JUDGMENT**

The fourth respondent is the son of the writ petitioner. He availed a loan from the third respondent, the Co-operative Society, and defaulted the payment. Therefore, the third respondent proceeded against the property pledged with it, at the time of availing of the loan. The property, pledged with the society, was given through the settlement deed dated 2.9.1998. It is stipulated therein that the right of the fourth respondent on the property, shall only be after the demise of both the parents and till then, they have the complete right to reside in the house situated in the property, which is extending to 3.56 Ares.

2. When coercive steps had been initiated, the writ petitioner preferred Ext.P3 representation dated 26.2.2004 before the first respondent, stating that the third respondent had got no right to proceed against the petitioner and his wife, as they had got the life estate on the property and, therefore, requested to direct the

second respondent, the Sale Officer, to stop the recovery proceedings on the movable and immovable properties. Ext.P3 representation is still pending.

3. I heard the arguments advanced by the learned counsel for the petitioner as well as the respondents 1 and 3. I had also gone through the settlement deed.

4. In the above facts situation, without expressing any opinion on the merit of the matter, I direct the first respondent, the Assistant Registrar of Co-operative Societies, Kollam, to hear the writ petitioner and all others concerned, on Ext.P3 representation and dispose of the same on merit, at the earliest.

5. Till a final decision is taken on Ext.P3 representation dated 26.2.2004, there shall be no coercive actions against the writ petitioner or on his properties, movable or immovable.

The writ petition is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs